

AMENDED IN SENATE JUNE 28, 2005

AMENDED IN SENATE JUNE 6, 2005

AMENDED IN ASSEMBLY APRIL 26, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1149**

**Introduced by Assembly Member La Suer**

February 22, 2005

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An act to amend Sections 12818 and 13803 of the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1149, as amended, La Suer. Vehicles: driving reexamination.

(1) Existing law requires the Department of Motor Vehicles, upon receipt of a request for reexamination and presentation of a legible copy of a notice of reexamination by a person issued the notice, upon receipt of a report from a local health officer, or upon receiving certain information from certain family members to reexamine the person's qualifications to operate a motor vehicle, including a demonstration of the person's ability to operate a motor vehicle.

This bill would ~~authorize, instead of require, the department to include in the reexamination a delete from the reexamination requirement the demonstration of the person's ability to operate a motor vehicle if the department determines, upon receipt of a medical evaluation from the person's physician, that the person is incapable of safely operating a motor vehicle, or the department determines, upon receipt of a medical evaluation from the same physician whose reported diagnosis generated the report by a local health officer to the~~

*department, that the lapse of consciousness was a one-time occurrence.*

(2) Under existing law, the department is authorized to investigate a person to determine whether the person's privilege to operate a motor vehicle should be administratively affected when the department receives certain information or the department's records show certain information.

This bill would expressly require the department to order a reexamination of a person described above, ~~which may and to include a demonstration of the person's ability to operate a motor vehicle except as provided under paragraph (1). However, when the information or records indicate that the person has been diagnosed by a physician as suffering from Alzheimer's disease or a related disorder, the bill would require the department to include, in the reexamination, a demonstration of the person's ability to operate a motor vehicle.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12818 of the Vehicle Code, as amended  
2 by Section 13 of Chapter 985 of the Statutes of 2000, is amended  
3 to read:  
4 12818. (a) Upon receipt of a request for reexamination and  
5 presentation of a legible copy of a notice of reexamination by a  
6 person issued the notice pursuant to Section 21061, the  
7 department shall reexamine the person's qualifications to operate  
8 a motor vehicle, including a demonstration of the person's ability  
9 to operate a motor vehicle as described in Section 12804.9.  
10 (b) ~~(1)~~ Upon receipt of information or based on department  
11 records under Section 13800 or upon receipt of a report  
12 submitted under Section 13803 or subdivision (b) of Section  
13 103900 of the Health and Safety Code, the department shall  
14 reexamine the person's qualifications to operate a motor vehicle,  
15 ~~which may include a demonstration of the person's ability to~~  
16 ~~operate a motor vehicle as described in Section 12804.9.~~ *vehicle.*  
17 *The reexamination shall include a demonstration of the person's*  
18 *ability to operate a motor vehicle as described in Section*  
19 *12804.9, except when one of the following applies:*

1 (1) The department determines, upon receipt of a medical  
2 evaluation from the person's physician, that the person is  
3 incapable of safely operating a motor vehicle.

4 (2) The department determines, upon receipt of a medical  
5 evaluation from the same physician whose reported diagnosis  
6 generated the report by a local health officer to the department  
7 under subdivision (b) of Section 103900 of the Health and Safety  
8 Code, that the lapse of consciousness was a one-time occurrence.

9 ~~(2) When the information or records indicate that the person~~  
10 ~~has been diagnosed by a physician as suffering from Alzheimer's~~  
11 ~~disease or a related disorder, the department's reexamination~~  
12 ~~shall include a demonstration of the person's ability to operate a~~  
13 ~~motor vehicle as described in Section 12804.9.~~

14 (c) Based on the department's reexamination of the person's  
15 qualifications pursuant to subdivision (a) or (b), the department  
16 shall determine if either of the following actions should be taken:

17 (1) Suspend or revoke the driving privilege of that person if  
18 the department finds that any of the grounds exist which  
19 authorize the refusal to issue a license.

20 (2) Restrict, make subject to terms and conditions of  
21 probation, suspend, or revoke the driving privilege of that person  
22 based upon the records of the department as provided in Chapter  
23 3 (commencing with Section 13800).

24 (d) As an alternative to subdivision (a) or (b), the department  
25 may suspend or revoke the person's driving privilege as provided  
26 under Article 2 (commencing with Section 13950) of Chapter 3.

27 (e) Upon request, the department shall notify the law  
28 enforcement agency which employs the traffic officer who issued  
29 the notice of reexamination described in subdivision (a) of the  
30 results of the reexamination.

31 (f) This section shall remain in effect only until January 1,  
32 2011, and as of that date is repealed, unless a later enacted  
33 statute, that is enacted before January 1, 2011, deletes or extends  
34 that date.

35 SEC. 2 Section 13803 of the Vehicle Code is amended to  
36 read:

37 13803. (a) The department shall conduct a reexamination,  
38 which ~~may~~ shall, *except as provided in subdivision (b) of Section*  
39 *12818*, include a demonstration of the person's ability to operate  
40 a motor vehicle as described in Section 12804.9, to determine

1 whether the driving privilege of a person to operate a motor  
2 vehicle should be suspended or revoked, or whether terms or  
3 conditions of probation should be imposed upon receiving  
4 information from a member of the vehicle operator's family  
5 within 3 degrees of consanguinity, or the operator's spouse, who  
6 has reached 18 years of age, except that a person may not report  
7 the same family member pursuant to this section more than one  
8 time during a 12-month period.

9 (b) The report described in subdivision (a) shall state that the  
10 person filing the report reasonably and in good faith believes that  
11 the operator cannot safely operate a motor vehicle. The report  
12 shall be based upon personal observation or physical evidence of  
13 a physical or medical condition that has the potential to impair  
14 the ability to drive safely, or upon personal knowledge of a  
15 driving record that, based on traffic citations or other evidence,  
16 indicates an unsafe driver. The observation or physical evidence,  
17 or the driving record, shall be described in the report, or the  
18 report shall be based upon an investigation by a law enforcement  
19 officer.

20 (c) A person who makes a report in good faith pursuant to this  
21 section shall not be civilly or criminally liable for making that  
22 report.

23 (d) This section shall remain in effect only until January 1,  
24 2011, and as of that date is repealed, unless a later enacted  
25 statute, that is enacted before January 1, 2011, deletes or extends  
26 that date.